

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATION OF :

COURTINA MCQUEEN, C.H.H.A. :
Certificate No. 26NH12488500 :

ADMINISTRATIVE ACTION

:
FINAL ORDER OF

:
DISCIPLINE

TO PRACTICE AS A HOME HEALTHCARE :
AID IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Courtina McQueen ("Respondent") is a certified home healthcare aid in the State of New Jersey, certificate number 26NH12488500, and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on December 18, 2012 by the Manapalan Township Police Department for violation of one count of N.J.S.A. 2C:12-3, Threaten to Kill, the Board sent a letter of inquiry

requesting certain information and the submission of documents to Respondent's address of record in Newark, New Jersey via regular and certified mail, on or about December 20, 2012. A response was due within twenty (20) days. The regular mail was not returned; the certified mail was returned to the Board.

3. On or about January 3, 2013, the Board received a brief, handwritten response from the Respondent advising that the charge was still pending. Respondent stated that she would keep the Board informed of any developments in the case.

4. To date, Respondent had not provided a complete response to the Board's requests for information and documentation.

CONCLUSIONS OF LAW

Respondent's failure to fully and timely respond to the Board's requests for information and documentation constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2(a). Pursuant to N.J.A.C. 13:45C-1.2(b), N.J.A.C. 13:45C-1.3(a)(2), and N.J.A.C. 13:45C-1.3(a)(5) the Board considers Respondent's failure to cooperate to be professional misconduct within the meaning of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h), N.J.S.A. 45:1-25, and N.J.S.A. 45:1-22.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of

Respondent's certification to practice as a home health aide in the State of New Jersey and a fine of two-hundred dollars (\$200.00) was entered on May 15, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mailing was not returned, and the certified mail was received on July 1, 2013. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

On or about May 21, 2012, Respondent provided the Board with a copy of a Complaint File from the Monmouth County Prosecutor's Office, which stated Respondent's charges were amended to N.J.S.A. 2C:33-4A, Harassment, and the case will be calendared for disposition in the Municipal Court. However, her response did not contain sufficient information; Respondent did not provide the Board with any other requested information, such as a copy of the police report, her current employment information along with her most recent performance evaluation, or a narrative of her

version of the conduct which gave rise to the arrest. Moreover, as a certificate holder, Respondent is responsible for ensuring that all Board inquiries are answered in a timely fashion.

The Board finds that an Order should not be required to elicit a response from a licensee to a Board request for information because, if a licensee can, with impunity, provide an incomplete response and/or delay responding to Board inquiries without any penalties, the Board will be hampered from performing its functions. Respondent's response was incomplete and received only after the Board contemplated taking disciplinary action against her license. Thus the Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 1 day of November, 2013,

ORDERED that:

1. Respondent's certification to practice as a home health aid is suspended until Respondent fully cooperates with the Board's investigation by providing the Board with the information and documentation requested in the Board's letters of inquiry.

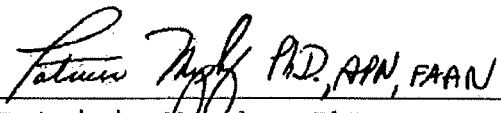
2. Respondent shall remit payment of a monetary penalty, pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order, payable to the State of New

Jersey, delivered to George Herbert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, NJ 07101. Payment shall be made no later than fifteen (15) days after notice of the entry of this Final Order is served in this matter, including an Order which is finalized by default. In the event Respondent fails to make a timely payment, a certification of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President